

# Agenda

## Licensing Sub-Committee

Date: **Wednesday 8 October 2025**

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Time: **2.00 pm**

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Place: **Online meeting/Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE**

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Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

**Matthew Evans**

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If you would like help to understand this document, or would like it in another format, please call Matthew Evans on 01432383690 or e-mail [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Licensing Sub-Committee**

## **Membership**

**Councillor Polly Andrews (Chairperson)**

**Councillor Dave Davies**

**Councillor Stef Simmons**

## Agenda

		Pages
<b>PUBLIC INFORMATION</b>		
<b>THE NOLAN PRINCIPLES</b>		
<b>1. APOLOGIES FOR ABSENCE</b>	To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
<b>3. DECLARATIONS OF INTEREST</b>	To receive declarations of interest in respect of items on the agenda.	
<b>4. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF MARDEN STORES RESTAURANT, MARDEN, HEREFORD, HR1 3EW- LICENSING ACT 2003</b>	To consider an application for a variation for a premises licence in respect of Marden Stores Restaurant, Marden, Hereford, HR1 3EW under the Licensing Act 2003.	11 - 46



# **The Public's Rights to Information and Attendance at Meetings**

## **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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To ensure that recording quality is maintained, could members and any attending members of the public speak as clearly as possible and keep background noise to a minimum while recording is in operation.

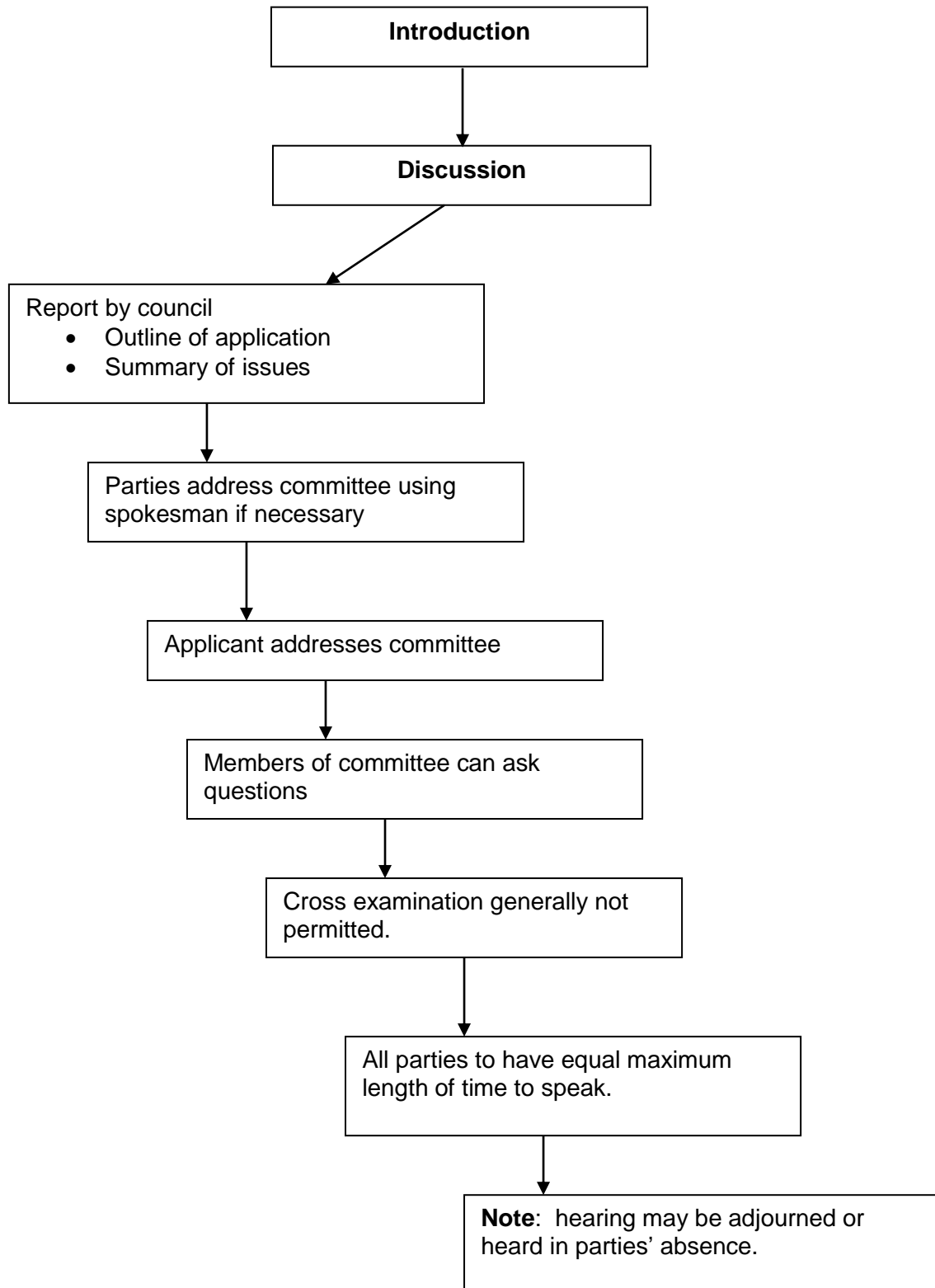
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## Licensing Hearing Flowchart







## **The Seven Principles of Public Life (Nolan Principles)**

### **1. Selflessness**

Holders of public office should act solely in terms of the public interest.

### **2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **6. Honesty**

Holders of public office should be truthful.

### **7. Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.





**Title of report:** Application for a variation of a premises licence in respect of 'Marden Stores Restaurant, Marden, Hereford. HR1 3EW– Licensing Act 2003.

**Meeting:** Licensing sub-committee

**Meeting date:** Wednesday 8 October 2025 at 14:00hrs

**Report by:** Senior Technical Licensing Officer

### **Classification**

Open

### **Decision type**

This is not an executive decision

### **Wards affected**

Sutton Walls

### **Purpose**

To consider an application for a variation for a premises licence in respect of Marden Stores Restaurant, Marden, Hereford. HR1 3EW under the Licensing Act 2003

### **Recommendation(s)**

That:

The sub committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- a) The steps that are appropriate to promote the licensing objectives,
- b) The representations (including supporting information) presented by all parties,
- c) The guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- d) The Herefordshire Council Statement of Licensing Policy 2020 – 2025.

### **Reasons for Recommendations**

Ensures compliance with the Licensing Act 2003

## Alternative options

1. There are a number of options open to the sub-committee:
  - a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
  - b) Grant the licence subject to modified conditions to that of the operating schedule where the sub-committee considers it appropriate for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
  - c) To exclude from the scope of the licence any of the licensable activities to which the application relates
  - d) To refuse the application

## Key considerations

### Licence Application

2. The application for the variation of a premises licence has received relevant representation and is therefore brought before the sub-committee for determination.
3. Herefordshire Council's Statement of Licensing Policy 2020 to 2025 states "All representations must be 'relevant', for example they must be about the likely effect of the grant of the application". This followed paragraph 8.57 in the s182 Guidance which uses the same wording.
4. The details of the application are:

Applicant	Farmer Johns Catering Ltd	
Agent	Not applicable	
Type of application: Variation	Date received: 19 August 2025  28 day consultation started: 20 August 2025	28 Days consultation ended:  16 September 2025

### Summary of Application

5. The application (appendix 1) requests the variation of a premises licence to allow the following
  - To add consumption off the premises

- Remove condition: Alcohol consumed inside and outside the premises building shall only be consumed by patrons seated at tables
- Replace with: Alcohol consumed inside and outside the premises building shall only be consumed by patrons in the consumption area marked on plan received 1 July 2024
- No changes to licensable activities or timings

*NB: The plan at the back of Appendix 1 that forms part of the premises licence at Appendix 2 remains unchanged. The applicant is not seeking to extend the licenced area or consumption area. The application is seeking to allow customers to be able to stand with their drinks and not have to be seated at tables. Licenced area shaded in red, consumption of alcohol area shaded in blue*

### **Current Licence**

6. A copy of the current licence issued on 3 August 2024, is attached at Appendix 2. It authorises

#### Sale/Supply of Alcohol (for consumption on the premises)

Monday – Saturday 08:00 – 23:00

Sunday 10:00 – 23:00

*NB: Under the Live Music Act 2012 (as amended), an alcohol licenced premises can have live and/or recorded music from 08:00 – 23:00 for up to 500 people, without the need for these activities to be on a premises licence*

### **Summary of Representations**

7. No representations were received from any of the responsible authorities.
8. One (1) public representation was received in the consultation period from a member of the public, which the Licensing Authority has accepted as being relevant (Appendix 3).

### **Premises History**

9. The premises were licenced in August 2024
10. Since first being licensed there has been one (1) application to vary the designated premises supervisor (DPS) which was granted and issued by the Licensing Authority in January 2025.
11. To date, the Licensing Authority has not received any complaints regarding this premises.

### **Community impact**

12. Any decision may have an impact on the local community.

## Environmental Impact

13. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal environmental impacts for the council, as licensing authority.

## Equality duty

14. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
15. There are no equality issues in relation to the content of this report.
16. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
17. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

## Resource implications

18. This report is in relation to a premises license under the Licensing Act 2003 and as such there are minimal resource implications for the council, as Licensing Authority.

## Financial implications

19. There are unlikely to be any financial implications for the council, as Licensing Authority at this time.

## Legal implications

20. As relevant representations have been received, the sub committee must determine the application under Section 3.5.7 (c) of the Herefordshire Council constitution. The representations must relate to the licensing objectives and the sub committee must determine the likely effect of the grant of the premises licences on the promotion of the licensing objectives.
21. The Licensing Authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the Council's own statement of licensing policy. The options available to the Licensing Authority are set out in section 1 of this report.
22. The sub committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
23. The case of *Daniel Thwaites Plc v Wirral Borough Magistrates' Court* (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black. In this case it was summed up that: -
24. A Licensing Authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
25. Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.
26. This judgment is further supported in the case of *The Queen on the Application of Bristol Council v Bristol Magistrates' Court*, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:  
  
*'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.*
27. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

## Right of Appeal

28. Schedule 5 Part 1(b) of the Licensing Act 2003 gives a right of appeal which states:  
  
1 Where a licensing authority—  
  
(b) rejects (in whole or in part) an application to vary a premises licence under section 35, the applicant may appeal against the decision.
29. Further to Part 1(b), Schedule 5 Part 4 states as follows:

#### Variation of licence under section 35

4(1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.

(2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.

(3) Where a person who made relevant representations in relation to the application desires to contend—

(a) that any variation made ought not to have been made, or

(b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,

he may appeal against the decision.

30. Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

### **Risk management**

31. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

### **Consultees**

32. All responsible authorities and members of the public living within Herefordshire.

### **Appendices**

Appendix 1 - Application Form  
Appendix 2 – Current Premises Licence  
Appendix 3 – Public Representation

### **Background papers**

None Identified

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

**DPS: Designated Premises Supervisor**



### Application to vary a premises licence under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Farmer Johns Hereford Ltd

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> PR02105
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#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Farmer Johns Stores and Restaurant Marden			
Post town	Hereford	Postcode	HR1 3EW

Telephone number at premises (if any)	01432 880386
Non-domestic rateable value of premises	£24,750

#### Part 2 – Applicant details

Daytime contact telephone number	01432 880386		
E-mail address (optional)			
Current postal address if different from premises address	n/a		
Post town		Postcode	

### Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐  
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☐ No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

To add consumption off the premises

Remove condition

Alcohol consumed inside and outside the premises building shall only be consumed by patrons seated at tables

Replace with

Alcohol consumed inside and outside the premises building shall only be consumed by patrons in the consumption area marked on plan received 01.07.2024

No changes to licensable activities or timings

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

<b>Provision of regulated entertainment (Please see guidance note 3)</b>	<b>Please tick all that apply</b>
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

**Provision of late night refreshment** (if ticking yes, fill in box I) ☐

**Supply of alcohol** (if ticking yes, fill in box J) ☒

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

## B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

## C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

# D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

# E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					



## F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	08:00	23:00	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)		
Tue	08:00	23:00			
Wed	08:00	23:00	<b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	23:00			

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 10).

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon	07:00	23:00	
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	
Fri	07:00	23:00	
Sat	07:00	23:00	
Sun	07:00	23:00	
			<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Remove

Alcohol consumed inside and outside the premises building shall only be consumed by patrons seated at tables

Replace with

Alcohol consumed inside and outside the premises building shall only be consumed by patrons in the consumption area marked on plan received 01.07.2024

Please tick as appropriate

- I have enclosed the premises licence ☐
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

**b) The prevention of crime and disorder**

As per existing licence

**c) Public safety**

As per existing licence

**d) The prevention of public nuisance**

As per existing licence

**e) The protection of children from harm**

As per existing licence



Checklist:

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	8 <sup>th</sup> August 2025
Capacity	Director

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

<p><b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15)</p>			
<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

**LICENSING ACT 2003  
Part A - Premises Licence**

**Premises licence number PR02105 (App to Vary Premises DPS)**

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>Marden Stores Restaurant Marden</b>	
Post town <b>Hereford</b>	Postcode <b>HR1 3EW</b>
Telephone number <b>01432 880386</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence <b>Sale/Supply of Alcohol (for consumption on the premises)</b>
--

The times the licence authorises the carrying out of licensable activities <b><u>Sale/Supply of Alcohol</u> Monday – Saturday 08:00 – 23:00 Sunday 10:00 – 23:00</b>
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The opening hours of the premises <b>Monday – Sunday 07:00 – 23:00</b>
---

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies <b>For consumption on the premises</b>
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**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence <b>Farmer Johns Catering Ltd 14 St Owen's Street Hereford HR1 2PL</b>
--

Registered number of holder, for example company number, charity number (where applicable) <b>15622380</b>
---

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

**Wayne David Jones**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Licence number: PL3559**

**Issuing authority: Herefordshire Council**

## **Annexe 1 – Mandatory Conditions**

### **Irresponsible Drinks Promotions**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Free Drinking Water**

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **Age verification**

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

**Small Measures**

4. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Below Cost Price**

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

**Mandatory conditions where licence authorises supply of alcohol**

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (a) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Door supervision**

Each individual required to carry out a security activity must be licensed by the Security Industry Authority

**Annex 2 - Conditions consistent with the operating Schedule  
Licensing Conditions****General**

Alcohol consumed inside and outside the premises building shall only be consumed by patrons seated at tables

**Prevention of Crime & Disorder**

The Premises Licence Holder shall install and maintain a CCTV system at the premises giving coverage at all entry points and areas to which customers have access.

The CCTV system shall provide clear images in all lighting conditions.

The CCTV system shall continuously record whilst the premises are open for licensable activities and shall be capable of providing frontal identification of customers.

All CCTV recordings shall be retained for a minimum of 31 days and shall be date and time stamped.

CCTV recordings should be made available for inspection upon receipt of a request by the Police and Authorised Officer of the Licensing Authority. A member of staff shall always be present on

**Licensing Section, Herefordshire Council  
Plough Lane, Hereford. HR4 0LE**

the premises whilst they are open who is capable of operating the CCTV system and able to facilitate immediate viewing of CCTV footage upon the request of the Police and Authorised Officer of the Licensing Authority

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB Level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an "authorised person" (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

No open containers shall be removed from the premises

#### **Public Safety**

The premises licence holder will ensure that empty glasses, plates, etc. are removed from the outside area on a regular basis

#### **Prevention of Public Nuisance**

#### **Protection of Children from Harm**

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar, advertising the scheme operated.

A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

No under 16's will be allowed on the premises after 20:00hrs unless accompanied by a responsible adult aged 18yrs or over (with the exception of private functions)



No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

**Annex 3 - Conditions attached after a hearing by the licensing authority**

Not applicable

**Annex 4 - Plans**

As attached - Received 01.07.2024

**LICENSING ACT 2003  
Part B - Premises licence summary**

**Premises licence number PR02105 (App to Vary Premises DPS)**

**Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>Marden Stores Restaurant Marden</b>	
Post town <b>Hereford</b>	Postcode <b>HR1 3EW</b>
Telephone number <b>01432 880386</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence <b>Sale/Supply of Alcohol (for consumption on the premises)</b>
--

The times the licence authorises the carrying out of licensable activities <b>Sale/Supply of Alcohol Monday – Saturday 08:00 – 23:00 Sunday 10:00 – 23:00</b>
--

The opening hours of the premises <b>Monday – Sunday 07:00 – 23:00</b>
---

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies <b>For consumption on the premises</b>
--

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence <b>Farmer Johns Catering Ltd 14 St Owen's Street Hereford HR1 2PL</b>
--

Registered number of holder, for example company number, charity number (where applicable) <b>15622380</b>
---

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Wayne David Jones**

State whether access to the premises by children is restricted or prohibited

**The premises shall operate a Challenge 25 Policy**

**A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age**

**No under 16's will be allowed on the premises after 20:00hrs unless accompanied by a responsible adult aged 18yrs or over (with the exception of private functions)**

**No adult entertainment or services or activities must take place at the premises**



**From:** Website <no-reply@herefordshire.gov.uk>  
**Sent:** 24 August 2025 20:03  
**To:** Licensing <licensing@herefordshire.gov.uk>  
**Subject:** Online form received: Comment on licensing application

## Licensing - Comment on a licensing application FS743452247

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### Contact details

Name:  
XXXXXXXX

Address:  
XXXXXXXX, Marden, XXXXX

What is your interest in the premises you are making a representation about:  
Local resident

Name and address of premises you are making representation about:  
Marden Stores Restaurant

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### Prevention of crime and disorder

Give details of your objection or support for the application:

Suggest any conditions:

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### Public safety

Give details of your objection or support for the application:

Suggest any conditions:

---

### Public nuisance

Give details of your objection or support for the application:  
The hours suggested for the license are out of proportion to the needs of the local community. Encouraging drinking at 8.30am until late in the evening is a recipe for disaster - quite apart from the effect that this will have on the two locally used pubs in Bodenham and Sutton. People who drink are often rowdy and unaware of those living around them [we have an estate of housing going up opposite which is likely to house young families]. I am also very concerned about the message this sends out to the

children of the village [which is expanding] as well as the inherent dangers associated with adult drinkers. I am also concerned about the outside drinking which will be inevitable - this premises is a shop and restaurant, not a pub. The owner also owns what was the pub - the Volunteer - in the village and I suggest this is more appropriate for a drinking hole.

Suggest any conditions:

Limit the consumption of alcohol to 'with food' only, limit the times alcohol can be consumed eg 5pm - 10pm and do not allow it on one day a week, eg Sunday.

### **Protection of children from harm**

Give details of your objection or support for the application:

Having a drink with a meal gives a responsible message to children and teenagers about sensible drinking.

Suggest any conditions:

5-10pm only Tuesday to Saturday with meals.

### **Supporting evidence**

What evidence do you have to support this information:

There is a wealth of research done on the effects of alcohol - the overloading of the NHS, the drunken behaviour, particularly those who start drinking in the morning, the influence on youngsters and their subsequent behaviour. This is a quiet village, not a city centre and this license needs to be measured and sensible.

1. NIH research: [Impacts of licensed premises on alcohol-related harms also Effectiveness of Policies Restricting Hours of Alcohol Sales in Preventing Excessive Alcohol Consumption and Related Harms
  2. Lancaster University: Longer Opening Hours, Alcohol Consumption and Health.
  3. BMJ: Evaluating the impact of local alcohol licensing decisions on outcomes for the community: a systematic review
- To quote just a few!